

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TWO OLD HIPPIES, LLC,

Plaintiff,

v.

No: 10-CV-459 JB/RLP

CATCH THE BUS, LLC, GARY MACK  
And FALLON MACK,

Defendants.

**PLAINTIFF'S MOTION TO STRIKE PLEADINGS OF AND ENTER DEFAULT  
JUDGMENT AGAINST DEFENDANT CATCH THE BUS, LLC**

Plaintiff moves to strike the pleadings of and enter default judgment against Defendant Catch the Bus, LLC, and in support states as follows:

1. Defendant Catch the Bus, LLC initially was represented by counsel, but by order entered August 19, 2010, counsel was allowed to withdraw (Doc. 23).
2. On August 19, 2010, the Clerk notified Catch the Bus, LLC that it had, pursuant to local rule, 20 days to retain counsel to represent it (Doc. 24).
3. New counsel has not appeared for Catch the Bus, LLC.
4. Pursuant to D.N.M.LR-CIV.83.8(c), absent entry of appearance by a new attorney, any filings made by the party may be stricken and default judgment or other sanctions imposed.
5. Because a new attorney has not appeared, Catch the Bus, LLC's pleadings may be stricken and default judgment may be entered against it.
6. Due to the nature of this motion, concurrence of Catch the Bus, LLC and other parties was not sought.

WHEREFORE, Plaintiff prays that Catch the Bus, LLC's pleadings be stricken and default judgment be entered against it on liability, that the amount of the default judgment be determined by later proceedings in this matter, and for such other and further relief as is proper.

Respectfully submitted,

BANNERMAN & JOHNSON, P.A.

By: /s/ Thomas P. Gulley  
Thomas P. Gulley  
Rebecca L. Avitia  
2201 San Pedro, NE, Building 2, Suite 207  
Albuquerque, New Mexico 87110  
(505) 837-1900  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 2, 2010, I filed the foregoing electronically through the CM/ECF system, and mailed a true and correct copy to the following parties:

Fallon Mack  
1400 Black Street, Building 3  
Alamogordo, NM 88310

Gary Mack  
1400 Black Street, Building 3  
Alamogordo, NM 88310

Catch the Bus LLC  
1400 Black Street, Building 3  
Alamogordo, NM 88310

/s/ Thomas P. Gulley  
Thomas P. Gulley